

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT VON MERTA,

Plaintiff(s),

No. C 09-0753 PJH

v.

**ORDER**

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendant(s).

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The court has reviewed the parties' joint letter brief setting forth their respective positions regarding bifurcation of *Monell* discovery and trial from other issues in the case. As stated at the case management conference, the court will not provide two separate trials of this matter, and thus defendants' request for such is DENIED. With regard to bifurcation of discovery, the court elects to follow plaintiff's alternative suggestion and leaves it to the parties to informally agree on the staging of discovery, to be followed by any necessary motions for protective order. The court declines to enter a formal order setting forth the order of discovery, given the non-excessive force nature of the claims.

**IT IS SO ORDERED.**

Dated: September 17, 2009



PHYLLIS J. HAMILTON  
United States District Judge